

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GORDON SAGE,

Petitioner,

vs.

WARDEN, WARREN CORRECTIONAL
INSTITUTION,

Respondent.

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Case No. 3:09cv205

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JUDGE WALTER HERBERT RICE

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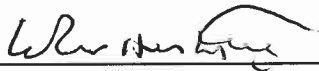
DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #17) IN THEIR
ENTIRETY; PETITIONER'S OBJECTIONS TO SAID JUDICIAL FILING
(DOC. #19) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF
RESPONDENT AND AGAINST PETITIONER, DISMISSING AMENDED
PETITION FOR WRIT OF HABEAS CORPUS WITH PREJUDICE;
CERTIFICATE OF APPEALABILITY DENIED; ANTICIPATED REQUEST TO
APPEAL *IN FORMA PAUPERIS* DENIED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations (Doc. #17) are adopted in their entirety. The Petitioner's Objections thereto (Doc. #19) are overruled. Judgment is to enter in favor of Respondent and against Petitioner, dismissing the Amended Petition for writ of habeas corpus with prejudice.

Given that reasonable jurists would not disagree with this Court's conclusion herein, Petitioner is denied a certificate of appealability. Further, given that any appeal would be objectively frivolous, Petitioner is denied leave to appeal *in forma pauperis*.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

September 19, 2011



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

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